

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RE/MAX International, Inc.,

Plaintiff,

v.

TREND SETTER REALTY, LLC,  
a Texas limited liability company;

PAVNOUTY ABRAHAM, an individual;

and

DEBORAH N. MILLER, an individual

Defendants.

**CIVIL ACTION NO. 4:07-CV-02426**

**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff RE/MAX International, Inc. (“RE/MAX”) files this Motion for Partial Summary Judgment against Defendants Trend Setter Realty, Inc. (“Trend Setter”), Pavnouty Abraham and Deborah Miller (collectively “Defendants”) and would respectfully show the Court as follows:

On July 25, 2007, RE/MAX commenced this action against Defendants for trademark infringement under federal, state and common law; federal and state trademark dilution; federal and common law unfair competition, and breach of contract. In addition, as alleged in its First Amended Complaint, RE/MAX also seeks cancellation of U.S. trademark registration 3,222,708.

In light of the undisputed facts that Defendants have engaged in the illegal activities alleged in RE/MAX’s First Amended Complaint, RE/MAX is entitled to a Motion for Partial Summary Judgment in its favor on its Counts I, III, IV, VI, VII, VIII and IX, as well as on all

three Counts alleged in Defendants' Counterclaims. RE/MAX submits contemporaneously herewith its Memorandum In Support of Plaintiff's Motion for Partial Summary Judgment.

WHEREFORE PREMISES CONSIDERED, Plaintiff RE/MAX International, Inc. respectfully requests that the Court grant its Motion for Partial Summary Judgment in all respects and that it be granted all other relief, in law and equity, to which it is entitled. A proposed Order is submitted herewith.

Respectfully submitted,

Date: February 23, 2009.

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ATTORNEYS FOR PLAINTIFF,  
RE/MAX INTERNATIONAL, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on February 23, 2009, a true and correct copy of the foregoing Plaintiff's Motion for Partial Summary Judgment was electronically filed using the Court's ECF service which will serve it on all registered attorneys of record, including the following:

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